SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1064

SPONSOR: Regulated Industries Committee, Senators Forman and Meyers

SUBJECT: Fire Protection Systems

DATE: March 31, 2000 REVISED: 4/4/00

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Guthrie	RI	Favorable/CS
2.	Cooper	Yeatman	CA	Fav/1 Amendment
3.				
4.				
5.				

I. Summary:

The bill requires professional engineers to sign, date, and seal final bid documents provided to the owner or the owner's representative and defines "layout" for purposes of the fire prevention and control statutes.

The bill substantially amends sections 471.025 and 633.021 of the Florida Statutes.

II. Present Situation:

Engineering Seals

Section 471.025, F.S., requires that the Board of Professional Engineers prescribe a form of seal to be used by registrants holding valid certificates of registration. Each registrant must obtain an impression-type metal seal in that form and must sign, date, and stamp with the seal all final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record. Currently, final bid documents provided to the owner or the owner's representatives are not required to be sealed by the engineer.

Fire Protection System Contractors

Section 553.79(6), F.S., provides that no permit may be issued for any building construction, erection, alteration, repair, or addition unless the applicant for the permit provides to the permitting agency certain relevant documents. Among these documents are fire sprinkler documents for any new building or addition.

A Contractor I, Contractor II, Contractor III, or Contractor IV, certified under s. 633.521, F.S., may execute contracts requiring the ability to *layout*, fabricate, install, inspect, alter, repair, and service different types of fire protection systems, as specified in statute.

Section 633.541(1), F.S., makes it unlawful for any organization or individual, without proper certification, to engage in the business of *layout*, fabrication, installation, inspection, alteration, repair, or service of a fire protection system, with exceptions.

Unfortunately, the statutes do not define what constitutes the "*layout*" of a fire protection system, and this has led to disputes between professional fire protection engineers and fire protection system contractors (also referred to as technicians) as to the scope of the contractor's authority. Typically, the engineer develops the conceptual ideas and limitations for the system. For sprinkler systems, this would include the density, water flow and pressure requirements for the sprinkler system design, classification of the commodities to be protected, and confirmation of the hydraulic data and preliminary design. The contractor develops the *layout* of the system, based upon the design concept. For sprinkler systems, this would include the layout of the risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations in accordance with the design concepts. Because there are usually system component placement decisions that cannot be made until other systems are installed (such as electrical, plumbing, structural, etc.), it is necessary to allow the contractors some design or *layout* flexibility at this stage of the construction process.

The *layout* is recorded in various fire sprinkler system documents reviewed by inspectors and relied upon by the contractor for installation.

III. Effect of Proposed Changes:

Section 1 amends s. 471.025, F.S., to require professional engineers to sign, date, and seal final bid documents provided to the owner or the owner's representative.

Section 2 amends s. 633.021, F.S., to define "layout" to include the layout of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations and hydraulic calculations in accordance with the design concepts established by the engineer. This definition is taken from a publication by the Society of Fire Protection Engineers describing the roles and responsibilities of engineers and contractors when designing fire protection systems.

Section 3 provides that the bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article III, s. 6 of the State Constitution, provides that: "(e)very law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title."

The CS may be construed to violate this provision. The title specifies that the bill relates to fire protection systems, yet section 1 addresses engineering seals.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Undetermined.

C. Government Sector Impact:

Undetermined.

VI. Technical Deficiencies:

Section 2 intends to define the term "layout." However, contained in the definition is the term itself, which is awkward and potentially confusing. Proponents of the bill indicate that layout means a design document showing the location of fire protection system components.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Comprehensive Planning, Local and Military Affairs:
Title amendment.